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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

NO: CV-12-006-RMP
(Primary as consolidated)

Bankr. Case No. 09-06194-PCW11
(Consolidated Case)

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America LLC,

Plaintiff,

v.

GEOFF TOEWS et al.,

Defendants.

FOSTER PEPPER PLLC
SUBMISSION REGARDING
DEFENDANTS GEOFF TOEWS,
RORY BJARNASON, CATHY
BJARNASON AND CLB
HOLDINGS'S PROPOSED
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Pursuant to the Court's scheduling order in this case requiring the Proposed Findings of Facts and Conclusions of Law to be filed by June 16, 2014, Foster Pepper PLLC submits the following:

FOSTER PEPPER PLLC SUBMISSION REGARDING
DEFENDANTS' PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW - Pg. 1

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I. GEOFF TOEWS

Foster Pepper has been terminated as counsel by defendant Geoff Toews (“Defendant Toews”). For specifics, see Foster Pepper’s Motion to Withdraw and accompanying declarations. *See* Dkt. Nos. 56-58, 74, 80.

Because Foster Pepper has been terminated by Defendant Toews it has no authority to act on his behalf. However, the Court denied Foster Pepper’s Motion to Withdraw from representing Defendant Toews.

Foster Pepper is compelled to meet the duties of counsel of record under the rules of this Court. At the same time, Foster Pepper is unable to represent any position of Defendant Toews and it does not have authority to file proposed findings of fact and conclusions of law on behalf of Defendant Toews. Foster Pepper can merely appear and indicate that it is instructed not to participate in trial, or in the preparation for trial. The trial of Defendant Toews is scheduled for June 30, 2014. Foster Pepper has informed Defendant Toews of this date.

II. RORY BJARNASON, CATHY BJARNASON AND CLB HOLDINGS

Foster Pepper is unable to represent any position of Rory Bjarnason, Cathy Bjarnason or CLB Holdings (“Defendant Bjarnason”) and does not have authority to file any additional pleadings on Defendant Bjarnason’s behalf. *See* Foster Pepper’s Motion to Withdraw and accompanying declarations, Dkt. Nos. 100-102. Defendant Bjarnason has ceased all communication with Foster Pepper. *See* Dkt. No. 101. Thus, Foster Pepper is unable to submit proposed findings of fact and conclusions of law or represent any position of Defendant Bjarnason. Nevertheless, Foster Pepper seeks to meet the duties of counsel of record under the rules of this Court.

The trial of Defendant Bjarnason is scheduled for June 30, 2014. Foster Pepper has informed Defendant Bjarnason of this date and the other pretrial

obligations but has received no response.

DATED this 16th day of June, 2014.

FOSTER PEPPER PLLC

s/ Dillon E. Jackson

Dillon E. Jackson, WSBA #1539
W. Adam Coady, WSBA #44165

FOSTER PEPPER PLLC SUBMISSION REGARDING
DEFENDANTS' PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW - Pg. 3

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 16, 2014, I caused to be served upon certain parties in this action, at the addresses and in the manners noted below, a true and correct copy of the following document:

FOSTER PEPPER PLLC SUBMISSION REGARDING DEFENDANTS GEOFF TOEWS, RORY BJARNASON, CATHY BJARNASON AND CLB HOLDINGS' PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

to be electronically served on the date listed above, to those persons listed on the United States District Court's Notice of Electronic Filing as follows:

Daniel J Gibbons: djg@witherspoonkelley.com
Shelley N Ripley: snr@witherspoonkelley.com
Duane M Swinton: dms@witherspoonkelley.com
Thomas D. Cochran: tdc@witherspoonkelley.com
Michael D Currin: mdc@witherspoonkelley.com
Richard L Mount: rim@witherspoonkelley.com
Matthew A. Mensik: mam@witherspoonkellev.com
Samuel C Thilo: sct@witherspoonkelley.com

I declare the foregoing to be true and accurate to the best of my knowledge under penalty of perjury of the laws of the United States of America.

Executed this 16th day of June, 2014 at Seattle, Washington.

s/ Connie L. Brault
Connie L. Brault